

Attorney Docket #10011474-1

EXAMINER'S REMARKS

Claims 1-6 and 13 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN #4,834,519 to Twisselmann. Claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Twisselmann in view of USPN #5,425,238 to Takagi. Claims 8 and 10 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Twisselmann in view of USPN #6,499,374 to Ohga. Claim 9 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Twisselmann in view of Ohga and further in view of Takagi. Claims 11 and 12 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Twisselmann in view of USPN #6,170,795 to Wayne.

Claims 15 and 17 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN #5,946,127 to Nagata.

Claims 14 and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REMARKS

Claims 1-15 and 17-18 remain in this application. Claim 15 has been amended.

*A. Patentability of independent claim I*

Claims 1-6 and 13 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN #4,834,519 to Twisselmann.

Twisselmann teaches a joint ball 15 that sits in a housing 10. The joint ball serves as a pivot mechanism for a suspension mount 51. The suspension mount 51 supports a microscope 50. The joint ball can be locked into place with clamping elements such as balls 13. The joint ball taught by Twisselmann is not adapted to receive anything within the joint ball. The joint ball only serves as a lockable pivot mechanism. Twisselmann does not teach an optical element, or any other object, received within the joint ball itself.

Attorney Docket #10011474-1

In distinct contrast to Twisselmann, the present invention teaches a sphere adapted to receive an optical element (pg 5, paragraph 18). Figures 2A & 2B show the sphere having openings and spaces for receiving an optical element. This unique and patentable distinction is recited within claim 1: "An optomechanical system comprising: a sphere adapted to receive an optical element...".

Independent claim 1 is believed to be allowable. Dependent claims 2-14 are also believed to be allowable, based on the allowability of claim 1. No new matter has been introduced with this amendment. The rejections to claims 1-14 are believed to be overcome.

*B. Patentability of independent claim 15*

Claims 15 and 17 were rejected under 35 U.S.C. § 102 (b) as being anticipated by USPN #5,946,127 to Nagata.

Nagata teaches an image pick-up apparatus such as a robotic eye, wherein a sphere 15 containing an image sensor is used to track a moving object. Nagata teaches a first magnet in contact with the sphere, and a second magnet that controls the movement of the sphere, using the magnetic attraction between the first and second magnet. Both the first and second magnets must be movable in order to move the sphere.

In distinct contrast to the prior art, the magnets in the present invention are fixed in place on the housing (Page 9, lines 2-6 of paragraph 31). The magnets, in turn, hold the sphere in place using the magnetic attraction between the magnets and the sphere (Page 9, lines 1-2 of paragraph 31). The magnets are not moved. This patentable distinction can be found in claim 15, as amended: "... a plurality of stationary magnets fixed to the housing and in contact with the sphere..." (underlining added).

Independent claim 15 is believed to be allowable. Dependent claims 17-18 are believed to be allowable, based on the allowability of claim 15. No new matter has been introduced with this amendment. The rejections to claims 15 and 17 are believed to be overcome.

Attorney Docket #10011474-1

**CONCLUSION**

If there are any further questions or more discussion required, the Examiner is invited to call the Applicant's agent at the telephone number given below.

In view of the above, the application is now believed to be in condition for allowance. It is courteously requested that such allowance be granted at an early date.

Respectfully submitted,

Kenneth J. Wayne



Judy Liao Shie

Patent Reg. No. 50,305

April 28, 2003  
Agilent Technologies  
Intellectual Properties Administration  
Legal Department, M/S DL-429  
815 SW 14<sup>th</sup> Street  
Loveland, CO 80537  
(408) 345-8920